

NO: 5:20-CV-504-M

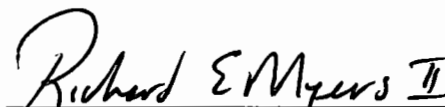
ORDER

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Based on the Plaintiff's filing of the Amended Complaint, the Court finds Defendants' motion for partial dismissal of the initial Complaint has been rendered moot and, thus, it is DENIED. *See Fawzy v. Wauquiez Boats SNC*, 873 F.3d 451, 455 (4th Cir. 2017) ("Because a properly filed amended complaint supersedes the original one and becomes the operative complaint in the case, it renders the original complaint 'of no effect.'") (quoting *Young v. City of Mt. Ranier*, 238 F.3d 567, 573 (4th Cir. 2001)). Moreover, as the motion for entry of default is based on the Defendants' apparent failure to respond to the original Complaint, it too has been rendered moot by the subsequent filing of the Amended Complaint, Answer to the Amended Complaint, and motion for partial dismissal of the Amended Complaint. *Quinn v. N. Carolina Dep't of Health & Human Servs.*, No. 319CV00391FDWDCK, 2020 WL 369290, at *2 (W.D.N.C. Jan. 22, 2020) ("Because the amended complaint superseded the original complaint, there was, in effect, no longer an 'original' complaint to which Defendant could respond, much less be liable for default.").

Accordingly, Plaintiff's Motion for Entry of Default [DE 9] and Defendants' "Partial Motion to Dismiss Plaintiff's Complaint [DE 16] are DENIED as moot. The Court will reserve judgment on Defendants' "Partial Motion to Dismiss Plaintiff's Amended Complaint" [DE 28] until briefing is complete in accordance with the applicable federal and local court rules.

SO ORDERED this 29th day of December, 2020.



RICHARD E. MYERS II
UNITED STATES DISTRICT JUDGE